

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**FILED**

**JUN 10 2003**

CATHY A. CATTERSON

U.S. COURT OF APPEALS

SUJEET SINGH,

Petitioner,

v.

IMMIGRATION AND NATURALIZATION  
SERVICE,

Respondent.

No. 02-70509

INS No. A71-781-283

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Argued and Submitted May 16, 2003  
San Francisco, California

Before: CANBY, KLEINFELD, and RAWLINSON, Circuit Judges.

The Board of Immigration Appeals abused its discretion in affirming the Immigration Judge's denial of Singh's request for a continuance. *See Dobrota v. I.N.S.*, 311 F.3d 1206, 1211 (9th Cir. 2002). On balance, the factors to be

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\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

considered when reviewing an Immigration Judge's denial of a continuance favor Singh's claim that the Immigration Judge unreasonably failed to accommodate his request to file an independent asylum application. *See Baires v. I.N.S.*, 856 F.2d 89, 92 (9th Cir. 1988).

**The Petition for Review is GRANTED.** The BIA's ruling is VACATED and this case is REMANDED for further proceedings consistent with this disposition.